

**REMARKS****I. General**

The issues outstanding in the instant application are as follows:

- The Disclosure is objected to because of informalities;
- The Drawings are objected to;
- Claims 1-5, 14 and 18 stand rejected under the judicially created doctrine of obviousness type double patenting; and
- Claims 14 and 18 stand rejected under 35 U.S.C. 102(b) as anticipated by Crocker, U.S. Pat. No. 5,773,995 (hereinafter *Crocker*).

Applicant hereby traverses the outstanding rejections of the claims, and requests reconsideration and withdrawal of the outstanding rejections in light of the accompanying Terminal Disclaimer, and remarks appearing below. The Office Action indicates that claims 1-20 are pending in the present application and that claims 6-13, 15-17, 19 and 20 are withdrawn from consideration. Applicant wishes to respectfully point out that only claims 1-5, 14 and 18 are currently pending in this application and that claims 6-13, 15-17, 19 and 20 were never the subject of a restriction requirement, and thus are not “withdrawn from consideration.” Rather, claims 6-13, 15-17, 19 and 20 were canceled in the previously filed preliminary amendment. Therefore, claims 1-5, 14 and 18 are currently pending in this application.

**II. Objection to the Specification**

The first paragraph of the disclosure, inserted by preliminary amendment to establish priority of the present continuation application, is objected to because of informalities. The Office Action suggests inserting a recitation to the patent number of the parent application. This suggestion has been incorporated above and a typographical error in the same paragraph has been corrected by replacing the word “invention” with the word “application.” The paragraph beginning on line 24 of page 11 has been amended to replace an erroneous reference to “FIGURE 8” with “FIGURE 8B.” Neither of these amendments add new matter.

### III. Amendments to the Drawings

The Office Action indicates that “Prior Art” labels are needed for Figures 2, 4, 7 and 8A, and that replacement drawings indicated as attached to the Preliminary Amendment are not present in the file. Although Applicant’s records indicate that replacement drawing sheets that include FIGURES 2, 4, 7 and 8A were filed with the Preliminary Amendment on September 16, 2003, Applicant has again attached these replacement drawing sheets to this Amendment. These attached replacement sheets of drawings include changes to FIGURES 2, 4, 7 and 8A to add the label “(PRIOR ART).”

### IV. Obviousness Double Patenting Rejections

The Office Action rejects claims 1–5, 14 and 18 under the judicially created doctrine of double patenting as being unpatentable over U.S. Patent No. 6,707,831, which issued from the parent of the present application. An appropriate Terminal Disclaimer accompanies this Amendment.

### V. Rejection(s) under 35 U.S.C. §102(b)

Claims 14 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by *Crocker*. Applicant respectfully traverses these rejections.

#### The applied reference does not teach all claimed limitations.

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. §2131. Furthermore, in order for an applied reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim,” see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy at least these requirements.

Claim 14 recites “a circuit which combines said first raw select signal and said second raw select signal to determine which input should be used as a first conditioned select signal and a second conditioned select signal” (emphasis added). Similarly, claim 18 recites “a circuit which combines said first raw select signal and said second raw select signal to determine which input should be used as a first conditioned select signal, a second

conditioned select signal, and a third conditioned select signal” (emphasis added). *Crocker* does not disclose at least these limitations.

As discussed in the portion of *Crocker* cited by the Office Action, col. 5, lines 1-6, “encoder 143 intervenes and receives selection signals SEL\_IN0 and SEL\_IN1 and encodes these signals in accordance with the table of FIG. 3 to produce encoded signals S0 and S1, which are then transmitted to multiplexer circuit 200 to cause multiplexer circuit 200 to operate in the intended manner.” (Emphasis added.) Accordingly, *Crocker* only teaches, at cited col. 12, lines 47-51, that “[s]ince encoded signals S0 and S1 have ‘0’ values, and since encoded signals S2 and S3 have ‘1’ values, data input signal IN0 will essentially be ‘selected’ for output from multiplexer circuit 1400 on data output 1465.” (Emphasis added.)

Nothing in *Crocker* teaches combining of raw select signals, particularly to determine an input to be used. Crocker only teaches encoding selection signals in accordance with a table to provide encoded signals to be provided to a multiplexer. Therefore, Applicant respectfully asserts that for the above reasons claims 14 and 18 are patentable over the 35 U.S.C. § 102 rejection of record. Furthermore, in light of the aforementioned differences between claims 14 and 18 and the art of record, a person of ordinary skill in the art considering the cited art would not find these differences obvious.

## **VI. Conclusion**

In view of the above, Applicant believes the pending claims are in condition for allowance.

The fee for the accompanying Terminal Disclaimer is dealt with in the accompanying Transmittal. If any additional fee is due, please charge Deposit Account No. 08-2025, under Order No. 10971265-3 from which the undersigned is authorized to draw.

The Examiner is encouraged to call the below-listed attorney if the Examiner feels the attorney can be of assistance in advancing prosecution of the present application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 482740378 US in an envelope addressed to: M/S Amendment, Commissioner for Patents, Alexandria, VA 22313.

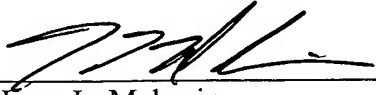
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Respectfully submitted,

By: \_\_\_\_\_

  
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